



March 31, 2011

VIA FEDERAL EXPRESS

Mr. Christopher J. Kanakis
Mr. Joseph Karpa
New Jersey Department of Environmental Protection
P.O. Box 028
401 East State Street, 6th Floor
Trenton, New Jersey 08625-0028

**Re: Request for Modified Sediment Removal Limits
Interim Response Action Project
Diamond and Standard Chlorine Chemical Company Inc. Sites
Kearny, Hudson County, New Jersey**

Dear Mr. Kanakis and Mr. Karpa:

On behalf of the Peninsula Restoration Group (PRG), Key Environmental, Inc. (KEY) has prepared this correspondence to request concurrence from the New Jersey Department of Environmental Protection (NJDEP) for a minor revision of the near-shore river sediment removal limits on the subject project. The Final Interim Response Action Workplan (IRAW) specifies that sediments will be removed within 50 feet of the proposed barrier wall alignment and to a maximum depth of three (3) feet below the sediment surface or until the Meadowmat is encountered (if less than 3 feet). The 50 foot horizontal offset was established based upon the practical limitations of land-based excavation equipment in the context of an interim response action for the Sites.

The PRG's construction contractor, WRScompass (WRS) initiated sediment removal activities within the river on January 10, 2011. To date, roughly 80 percent of the sediment removal effort has been completed, and backfilling of the excavation area has commenced. WRS has utilized a long-reach excavator to execute these removal activities, and in general has been able to achieve a 50 foot reach, and to the required depth of excavation. However, a recent bathymetric survey has demonstrated that the pre-excavation grades are roughly two (2) feet lower than expected (likely due to natural scour), and as a result, in certain areas near the offshore limits of excavation the additional depth has made sediment removal efforts relatively ineffective with the long-reach excavator. WRS made significant efforts to remedy the situation, including retrofitting the excavator bucket with a field-fabricated extension; however, given the additional required depth of excavation which is generally below the water surface, these efforts have not enabled WRS to effectively remove sediments in these limited areas. Attached Figure 1 depicts the areas in question. The areas are approximately 2,500 square feet and represent four (4) percent of the overall area proposed for excavation in conjunction with implementation of the IRAW.

We believe that with the efforts made to date the intent of the sediment removal action has been honored, i.e., excavation of near-shore sediment to the practical limitation of commonly available construction equipment. As such, at this time the PRG is requesting NJDEP's

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concurrence with a proposed revision of the IRAW-specified sediment removal limits, to account for the limited problematic areas that are beyond the practical and effective reach of the on-site excavation equipment.

In summary, this correspondence was prepared to request NJDEP's concurrence with the proposed modification of the sediment excavation limits. We look forward to NJDEP's review and concurrence with this request. Please feel free to contact Mr. Alan Briggs or me at (412) 279-3363 at your earliest convenience with any questions or comments.

Sincerely,

Key Environmental, Inc.



James S. Zubrow, P.G.
Principal Hydrogeologist

cc: M. W. Kelly
E. Castro
M. Brouman
M. Slenska
G. Coscia
A. Hess
K. Staiger
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